## REMARKS

In response to the Examiner's Office Action of July 29, 2004, Applicants herein present the following arguments and discussions.

In regard to the objections to the drawings, it will be seen that Applicants have now added descriptions for Fig. 10B, plus descriptions for Figs. 17A-17B, in addition to descriptions for Figs. 24A-24B. Fig. 2 has been replaced with a corrected sheet.

These additional descriptions will be found in the amendments to the specification attached.

Examiner has rejected claims 1-6 under 35 USC 112, second paragraph, due to lack of antecedent basis in the claims 1-6. As a result Applicants have amended these claims 1-6 in order to provide a preamble which provides recognition to the later-described phrases which the Examiner has cited as lacking antecedents. Thus, Examiner's claim rejections for indefiniteness under 35 USC, Article 112, should now be withdrawn.

The Examiner has further rejected claims 1-6 under 35 USC 102(e) as being anticipated by the Bixler patent 6,212,559. Here, Applicants would traverse the Examiner's considerations as to anticipation of Applicants' claims.

Bixler claims an advance in the field of Communication Networks, that is to say, providing a technique for automating the process of reconfiguration of networks, thus permitting networks to be reconfigured more rapidly than by using conventional manual techniques.

It should be emphasized again that the Bixler arrangement does not provide for the development of Server Farms which will suit a particular customer's requirements, nor does it

provide for the optimal arrangement of the number of Server Farms and the number of resources necessary to operate the Server Farms for the most suitable and optimum manner for the particular customer.

Hereinunder, Applicants will consider some of the major claim clauses involved in order to indicate how they relate to Examiner's citations regarding the Bixler reference.

APPLICANTS' CLAIM 1(a): Here, the Examiner says that Bixler teaches a method for configuring a Server Farm network and cites column 5, lines 35-55: ---

> Now, in looking at looking at column 5, lines 35-55, it is noted that there is nothing at all which references the idea of a Server Farm network. There are only generalized statements that a network administrator can configure or reconfigure a network from a host computer connected to the network using a Graphical Interface to specify logical and topographical relationships among network computers and their users.

> Examiner also cites a configuration tool 10 which uses pre-loaded reference data for network configuration and platforms, as indicated in block 12 . . . and he indicates that "platform" data may pertain to vehicles, armored tanks, ships or aircraft.

> There is nothing here to indicate the use of a configuration session between designer and customer to develop and store the customer's sizing requirements for a Server Farm.

**APPLICANTS' CLAIM 1(a)**: Examiner cites column 6 of Bixler, lines 12-40: -- Here, Bixler talks about inputs to a network configuration tool 10 which encompasses network parameters which are physical parameters of the network, such as station address ranges, standard transmission frequencies, acceptable range of unit reference numbers, and so forth.

> There is nothing here which would indicate the user of a Windows screen and configuration session to develop the detailed information relevant to a customer's sizing requirements applicable for a Server Farm.

**APPLICANTS' CLAIM 1(a)**: Examiner cites the Bixler reference, column 10, lines 19-30: --- Here Bixler makes merely a generalized statement in regard to the fact that he provides a technique for "automating" the process of re-configuration of networks to configure them much more rapidly than by conventional manual techniques.

> Of course, it can been seen there is no teaching here for the development of a Server Farm network and the use of a configuration session to develop customer sizing requirements.

**APPLICANTS' CLAIM 1(b)**: The Examiner has cited Bixler, column 6, lines 45-67: -- Here, Bixler speaks about the network configuration tools and performing an error reporting function, plus planning documentation outputs. Here, Bixler does not provide or display a report which will recommend the optimum Server Farm configuration and other necessary information to optimize the customer's requirements in the use of a Server Farm.

Here, a question should be posed --- how exactly could Bixler list a customer's enterprise requirements and then arrange an optimum configuration of Server Farms including appropriate disk and memory resources, to design such an optimal configuration for the specific requirements of the customer-user involved?

APPLICANTS' CLAIM 1(b): Examiner cites Bixler, column 10, lines 1-28: -- Here Bixler merely continues with a very generalized statement that he provides a technique for automating the process of reconfiguration of networks --- here, the question is posed: *How in the world can this teach the situation of generating a display which will recommend the optimum Server Farm configuration and which will optimize the customer's requirements??* Obviously, no such teaching or understanding can be derived from the generalized statements of Bixler.

APPLICANTS' CLAIMS 2(a1), (a2), (a3), (a4), (a5): Examiner has cited a number of columns and lines from Bixler, but it will now be obvious that none of these teach the use of physical site locations where a Server Farm is located nor does it teach the total number of users to be located at each of the sites or the concurrent number of users at any given period of time, nor does it teach the user-types involved with each site, nor does it teach the establishment of application program types used by each of the user-types, nor does it teach the relationship between user-types and application program types to specify the number of concurrent user-type users for each application type.

For example, at Bixler's column 7, lines 43-67, which involve a task organization and platform equipment organization whereby the user is ready to configure a logical network using a logical communication network development module 42 through Graphical User Interface 36.--

None of these generalized statements have a direct applicability to development of a Server Farm and to the development of the specific information required to optimize a Server Farm for a particular customer.

APPLICANTS' CLAIMS 3(b1)-(b6): It can readily be seen that the generalized statements of Bixler do not establish the default level of availability for a Server Farm, nor do they provide an interactive availability calculator design of a Server Farm, nor the types of optional software which may be useful, nor does Bixler indicate how to determine the minimum amount of disk capacity and memory, or how to develop and determine a base Server Farm configuration which involves a specific number of servers.

APPLICANTS' CLAIM 4: Examiner contends that Bixler teaches a system for developing a customer profile which indicates the various capabilities and requirements of the customer to be used as input for generating an optimized configuration report for a Server Farm: -- Again, Applicants would indicate that the generalized statements of Bixler can in no way indicate the development of a customer profile and developing the customer's site locations for inputting the "types" of users and "number" of users in the Server Farm, and inputting the application program types to be used by each of the users of the Server Farm. Bixler cannot indicate or teach any algorithmic means for calculating

and displaying the optimum server configuration for fitting the customer's profile.

APPLICANTS' CLAIMS 5 AND 6: The generalized statements of Bixler cited by the Examiner do not teach Applicants' system for storing customer profile information or the plurality of database information holding means and utilizing the data in an algorithmic optimization method for providing an optimum set of configurations for a Server Farm most suitable to a customer-user.

To pay more attention to Applicants' claim 6(a), the Examiner has cited Bixler column 6, lines 30-40 and column 7, lines 32-42, and column 5, lines 34-40, and column 8 lines 15-40: -- Here Bixler only mentions "in general" a network configuration tool generates a newly modified operational database that reflects all the "changes" made by the user, and also outputs management information blocks as indicated in Block 20. Then the citation of Bixler column 7, lines 32-42, only indicates that an <u>authorized user can add definitions of new platform equipment and define and redefine the relationships between equipment identification numbers and task units or personnel</u> that will be using the equipment.

This <u>does not teach</u> a server information database means for holding benchmarks and informational data on a plurality of servers to be utilized.

APPLICANTS' CLAIM 6(b): The Examiner has cited Bixler column 5, lines 35-55, column 6, lines 12-40, column 10 lines 19-30 and column 8, lines 15-40: --- Here, none of these will teach the use

of a sizing database means for holding user-type and application-type attributes.

**APPLICANTS' CLAIM 6(d):**  Examiner cites Bixler column 7, line 1-40, and column 8, lines 15-40.  Here, Bixler discusses task organization development as a process which the user, through Graphical Interface 36, defines or modifies organizational relationships among entities that will be using the network being configured. This does not teach a configuration session database means for providing information to an application delivery solution configurator to enable algorithmic steps for developing optimized configuration in the Server Farm.

**APPLICANTS' CLAIM 6(e):**  Examiner cites Bixler column 8, lines 15-40: -- Here, Bixler discusses a logical communication network development module 42 to permit the authorized user to make configuration changes in addition to the logical communication net . . . data defining both logical and physical networks are combined to form a complete network operational database 46.

> Here, there is nothing to indicate Applicants' Delivery Solution Configurator accessing information from a server database means, and utilizing a sizing database means, configuration database means, and a configuration session database means, to provide a series of reports to indicate the optimum Server Farm configuration.

How could the Bixler reference teach a designer how to find a customer-client's requirements for a Server Farm which Server Farm or group of Server Farms could be optimized to provide the most efficient and least costly arrangement to suit the

customer's enterprise requirements?? This could not even be inferred from Bixler.

Where and how could Bixler be said to teach an Application Delivery Solution Configurator which would indicate the optimum Server Farm configuration??

Where would Bixler ever teach the use of the combination of server information database means for holding benchmarks, or a sizing database means for holding user-type and application-type attributes, for holding a configuration database means for storing information used in the information collection process, for providing a configuration session database means to an Application Delivery Solution Configurator, and an Application Delivery Solution Configurator to provide programs which will access the required information and develop the optimum Server Farm configuration??

The Examiner has been imputing or extrapolating various statements from the Bixler reference in order to tie them to and wrap them around various aspects provided by Applicants' claims ---- when there is no warrant or implication for Examiner to take generalized statements of Bixler and try to impute them to teaching the use of Server Farms and development of optimal Server Farms for a particular customer.

It can be indicated in the Bixler claim 1 as stated -- Bixler involves a system for configuring a communication network of multiple interconnected computers.

> This is not a method for developing an optimal Server Farm and the source modules to satisfy the requirements of a given customer as developed by the customer's profile.

Bixler also involves a computer network and techniques for configuring large interconnected networks to enable <u>proper routing of messages</u> to their intended destinations.

Bixler claims an advance in the field of Communication Networks, that is to say, providing a technique for <u>automating</u> the process of reconfiguration of networks, thus permitting networks to be reconfigured more rapidly than by using conventional manual techniques.

It should be emphasized again that the Bixler arrangement <u>does not provide</u> for the development of Server Farms which will suit a particular customer's requirements, nor does it provide for the optimal arrangement of the number of Server Farms and the number of resources necessary to operate the Server Farms for the most suitable and optimum manner for the particular customer.

Now, with the corrections to the specification and with the amendments provided to the claims, it is now respectfully requested that Examiner consider Applicants' claims as a whole in their entirety, and not subject to any derivation from the Bixler reference, which basically is only a system for a configuration and communication network of multiple interconnected computers. Bixler does not provide for designing and configuring a set of Server Farms and resource modules which provide the optimal configuration for a given customer's requirements.

In this regard, Applicants would emphasize that Applicants' claims should be viewed as a whole in their entirety, and not merely derivations from some generalized statement in Bixler and

thus, these claims should be given their full weight and value as a whole to provide for a timely Notice of Allowance thereof.

Respectfully submitted,

By _Alfred W. Kozak_
Alfred W. Kozak
Reg. No. 24,265
(858) 451-4615

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I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop AMENDMENT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Patti S. Preddy

Date: _October 20, 2004_